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SERVICE DATE – DECEMBER 28, 2005

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 205X)

UNION PACIFIC RAILROAD COMPANY–ABANDONMENT EXEMPTION–  
IN SUTTER COUNTY, CA

Decided: December 23, 2005

By decision and notice of interim trail use or abandonment (NITU) served on August 6, 2004, the Board, under 49 U.S.C. 10502, exempted from the prior approval requirements of 49 U.S.C. 10903 the abandonment by Union Pacific Railroad Company (UP) of a 3.39-mile line of railroad known as the Yuba City Industrial Lead, extending from milepost 136.38 near Marysville, CA, to milepost 139.77 near Colusa Junction, CA, in Sutter County, CA. The exemption was subject to public use, environmental, and standard employee protective conditions, as well as a trail use condition authorizing a 180-day period for the City of Yuba City (City) to negotiate an interim trail use/rail banking agreement with UP for the right-of-way involved in this proceeding. The negotiating period under the NITU was scheduled to expire on February 2, 2005, but was extended through January 28, 2006, by decisions served February 23, 2005, and October 3, 2005.<sup>1</sup>

On December 12, 2005, the City filed a request for a 180-day extension until July 27, 2006. By facsimile received on December 15, 2005, UP states that it is willing to continue negotiating with the City concerning acquisition of the subject property for trail use and supports the City's request to extend the trail use negotiating period for an additional 180 days until July 27, 2006.

Where, as here, the carrier is willing to continue trail use negotiations, the NITU negotiating period may be extended. Under the circumstances, an extension of the NITU negotiating period is warranted and will promote the establishment of trails and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d). Accordingly, the NITU negotiating period will be extended until July 27, 2006.<sup>2</sup>

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

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<sup>1</sup> The public use condition expired on March 4, 2005. The two environmental conditions that were imposed remain in effect.

<sup>2</sup> See Rail Abandonments–Supplemental Trails Act Procedures, 4 I.C.C.2d 152, 157-58 (1987).

It is ordered:

1. The City's request to extend the NITU negotiating period is granted.
2. The negotiating period under the NITU is extended to July 27, 2006.
3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams  
Secretary